

Date: Sat, 29 Jan 94 04:30:13 PST
From: Ham-Policy Mailing List and Newsgroup <ham-policy@ucsd.edu>
Errors-To: Ham-Policy-Errors@UCSD.Edu
Reply-To: Ham-Policy@UCSD.Edu
Precedence: Bulk
Subject: Ham-Policy Digest V94 #29
To: Ham-Policy

Ham-Policy Digest Sat, 29 Jan 94 Volume 94 : Issue 29

Today's Topics:

 Antenna Lawsuit
 Antenna Lawsuit/CC&Rs
 Mail,etc. over packet

Send Replies or notes for publication to: <Ham-Policy@UCSD.Edu>
Send subscription requests to: <Ham-Policy-REQUEST@UCSD.Edu>
Problems you can't solve otherwise to brian@ucsd.edu.

Archives of past issues of the Ham-Policy Digest are available
(by FTP only) from UCSD.Edu in directory "mailarchives/ham-policy".

We trust that readers are intelligent enough to realize that all text
herein consists of personal comments and does not represent the official
policies or positions of any party. Your mileage may vary. So there.

Date: 27 Jan 94 23:27:22 GMT
From: usc!hacgate!lyra!root@network.ucsd.edu
Subject: Antenna Lawsuit
To: ham-policy@ucsd.edu

There's another aspect to this CC&R issue that I haven't seen
mentioned. CC&R's typically allow the Homeowner's Association, through
the authority of the board, to permit exceptions to the covenants. For
instance, you may ask for and receive permission to install a window,
where none existed initially. Generally the policy is to allow such
requests as long as they do not interfere with the other owners; after
all, the requester is a part owner of the Homeowner's Association. In
the case of an added window, a board would typically require the
homeowner to bear all costs, and require that the modification blend
with existing architecture, etc.

The principle is that a Homeowner should be granted permission to make
modifications, as long as other Homeowners are not harmed by these
modifications. He is a part owner of the complex; his rights should
only only be superseded by the right of the other owners to protect

their own rights - in the case of an antenna, this translates to property value, view, ability to receive broadcast radio, etc.

This principle is in keeping with a society based on liberty, and is implicit, if not explicit, in his covenants. It is explicit in the CC&R's for the building I live and own in.

Viewed from this light, the issue boils down to both sides begin reasonable. If the intended antennas will not cause TVI, do not obstruct anyones view, do not harm property values, or an any other way *truly* interfere with the rights of others -- the board has a duty to permit them. If they refuse to do so because of some petty power struggle, politics, ignorance, superstition, or just plain fiat -- then *the board* is the one not living up to the covenants.

If the board will not live up to the covenants, it is perfectly reasonable for the Homeowner to sue, and win. If other exceptions have been granted already, all the better for the homeowners case.

Date: Thu, 27 Jan 1994 06:02:39 GMT

From: ucsnews!sol.ctr.columbia.edu!howland.reston.ans.net!agate!library.ucla.edu!news.ucdavis.edu!chip.ucdavis.edu!ez006683@network.ucsd.edu

Subject: Antenna Lawsuit/CC&Rs

To: ham-policy@ucsd.edu

WB9VGJ (waco@cbnewst.cb.att.com) wrote:

: Just wanted to put in my \$.02 worth on this topic. Having worked for a
: title insurance company as a title searcher, title officer and other
: functions, I have some familiarity with the issue. As a ham I am
: concerned about any antenna restrictions.

: CC&Rs, whether on a deed, a homeowner's association document or
: a condominium declaration, are other sticks. These limit certain
: rights you would otherwise have as a renter/homeowner. It took an act

Can an individual place a CC&R on their property at the ttime of sale?
Could I for example make it a condition of sale that a farm will never
be subdivided? If the CC&R is written and goes with the house inperpetuit
who enforces the restriction after my demise?

: CC&Rs are designed to allow folks to pretty much establish some
: conditions on property in a subdivision, neighborhood or town,
: whichever the case might be. They let folks decide how those
A town can impose CC&R's? I though one had to actually hold title to a

property before they could impose CC&R's. Why aren't towns using this to circumvent PRB-1?

: It sounds good to allow folks determine just how their neighborhood should look and how folks should act. Personally, I find this very disturbing because of some of the ridiculous restrictions one can find.

Personally, I find all restrictions that adversely impact my civil liberties disturbing!

: Conventional wisdom/law claims CC&Rs are part of a real estate transaction and that this is a contract voluntarily entered into by two parties.

If this is true why can't the selling party remove these CC&R's? Sounds like neither party is free to alter the agreement. These limitations seems much less clear than mineral rights etc which are tangible.

: The only solution, in my opinion, is to get congress to pass legislation preempting antenna restrictions where hams are concerned. Then, the FCC can modify the regulations or issue another declarative ruling or simply include CC&Rs in PRB-1. With all the new technology coming, The league is always really quiet about this topic. I think this is a really good time for them to take some of their lobbying to the public. After the Northridge 'quake the ARRL should be in Sacramento right now talking publicly about how important amateur radio was when the landlines went out. How much the Red Cross, OES, etc. rely on hams to assist in comms. If this were presented to the public correctly and a little pressure was applied to the legislature I bet we could get amateurs exempted from CC&R's in California. (I know the league doesn't let its staffers comment about this publiclly but if someone wants to send me e-mail go ahead, I'm really close to Sacramento and would be happy to help)

: Remember, amateurs are a minority in the general population of those who own or rent homes. When the 'majority' decides what is best for a community or development regarding appearances and/or personal activities, guess whose rights/privileges take a back seat?

If we're a minority why don't we have special laws? Oh, that's right we're a white male minority. (sorry, it's a sore spot)

: came out to investigate and, luckily for me, found no TVI. Didn't make the neighbor too happy, though.

It seems that you are very careful and I don't think there was any 'luckily' about it! ;-)

: MY OPINION

: I think CC&R antenna prohibitions are a serious problem for hams
: considering how universal they have become. I would suggest that we
: work the issue through congress to get the law modified. The FCC,
: for the most part, only enforces communications laws passed by the
: legislature. I would like to see CC&R restrictions treated just a
: ordinance restrictions in PRB-1 and wouldn't mind if PRB-1 was made
: a little stronger; it has not always resulted in court victories for
: hams.

Again, this is the perfect opportunity for the ARRL to do something
really important for amateur radio.

: Presently, congress seems pretty well tuned into the amateur radio
: community. Probably not a bad time to raise this issue.

cheers,

Dan

--

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*-----*
* Daniel D. Todd      Packet: KC6UUD@KE6LW.#nocal.ca.usa      *
*                      Internet: ddtodd@ucdavis.edu             *
*                      Snail Mail: 1750 Hanover #102            *
*                      Davis CA 95616                          *
*-----*
*      I do not speak for the University of California....    *
*      and it sure as hell doesn't speak for me!!            *
*-----*
```

Date: 27 Jan 1994 07:52:35 -0600

From: unix.sri.com!headwall.Stanford.EDU!agate!howland.reston.ans.net!
cs.utexas.edu!swrinde!menudo.uh.edu!uuneo.NeoSoft.com!sugar.NeoSoft.COM!not-for-
mail@hplabs.hp.com

Subject: Mail,etc. over packet

To: ham-policy@ucsd.edu

In article <CK7opu.FnG@world.std.com>,

Ian P McCullough <ipm@world.std.com> wrote:

>profanity. My question is... While not exactly in the open spirit of ham
>radio, would it be illegal to encrypt something with profanity in it with
>say PGP or some equivalent and then send it in the normal fashion. It
>seems as though the legality is correct but the morality is wrong. What
>are the details here?
>

Why is it even NECESSARY to transit profanity over amateur radio? It seems

contrary to Part 97. I trust you have a copy of that document.

--

Radiographers who are able to use a radiographic machine well are great assets to the health care facility in which they are employed.

--Dianne C. DeVos, "Basic Principles of Radiographic Exposure"

Date: Wed, 26 Jan 1994 01:27:03 GMT
From: envoy.wl.com!caen!sol.ctr.columbia.edu!news.kei.com!eff!news.umbc.edu!
europa.eng.gtefsd.com!emory!rsiatl!ke4zv!gary@decwrl.dec.com
To: ham-policy@ucsd.edu

References <hamilton.759428844@BIX.com>, <1994Jan24.213138.7571@cs.brown.edu>,
<hamilton.759455446@BIX.com>,
Reply-To : gary@ke4zv.atl.ga.us (Gary Coffman)
Subject : Re: Antenna Lawsuit

In article <hamilton.759455446@BIX.com> hamilton@BIX.com (hamilton on BIX) writes:
>I think you're being rather insensitive to Mr. Stoner's plight, especially
>considering that none of us knows quite how he got there.
>

>Incidentally, the case mentions that Mr. Stoner had been a ham for
>40-some years and that the covenant was forcing him to give up the
>relationships he'd formed over that period. So clearly, he did not
>purchase the property prior to becoming involved in ham.radio.

Please note that Don Stoner has been a gadfly and troublemaker for most of his 40 years as an amateur. This is almost certainly a contrived situation designed to give him standing in a lawsuit.

Gary

--

Gary Coffman KE4ZV		You make it,		gatech!wa4mei!ke4zv!gary
Destructive Testing Systems		we break it.		uunet!rsiatl!ke4zv!gary
534 Shannon Way		Guaranteed!		emory!kd4nc!ke4zv!gary
Lawrenceville, GA 30244				

Date: (null)
From: (null)
Dave Fisher

fisher@lyra.hac.com - views expressed are solely my own -
KE6DRA

Date: Fri, 28 Jan 1994 06:04:57 GMT
From: usc!howland.reston.ans.net!agate!headwall.Stanford.EDU!Csl!
paulf@network.ucsd.edu
To: ham-policy@ucsd.edu

References <CK64xu.932@ucdavis.edu>, <1994Jan26.064556.27139@mnemosyne.cs.du.edu>,
<2i9mb8INN7p9@abyss.West.Sun.COM>
Subject : Re: Code: Guarantying long-term proficiency, uh heh heh!

For the Humor Impaired, hit "n" now...

myers@pongo.West.Sun.COM (Dana "Butthead" Myers) writes:

>Butthead: "Hey Beavis, is he, like, asking for it?"

Beavis: "Heh heh, heh heh, yeah, this should be cool!"

>Butthead: "These young ham newbies are like so predictable".

Beavis: "Yeah! yeah! Just like Duran Duran videos!"

>Butthead: "If he's never been flamed in its true form, how does he
> know he's never been flamed?"

Beavis: "Um, yeah, maybe he like, wants Cindy Crawford with a whip?"

Beavis/Butthead: "Heh huh huh heh huh huh huh huh."

[Next: Ren and Stimpy discuss flatulence and morse code.]

--
-=Paul Flaherty, N9FZX | "Fighter pilots make movies. Bomber pilots make
->paulf@Stanford.EDU | history." -- Jake Grafton

End of Ham-Policy Digest V94 #29
